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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/875,594

Filing Date: June 06, 2001

Appellant(s): GUTTA ET AL.

Steve Cha
For Appellant

EXAMINER'S ANSWER

This is in response to, the Appeal Brief originally filed January 11, 2007 (and corrected Appeal Brief (filed 11/12/2008), in response to the "Notice of Non-Compliant appeal brief dated October 29, 2008) appealing from the Office action mailed July 28, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

1. The rejection of claims 1-3, 9-11 and 17-22 under 35 U.S.C. § 102(e), as being anticipated by Uehara et al (U.S. Pub. No. 2002/0056095).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|---------------|--------------|---------|
| U.S. Pub. No. | Uehara et al | 05-2002 |
| 2002/0056095 | | |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The rejection of claims 1-3, 9-11 and 17-22 under 35 U.S.C. § 102(e), as being anticipated by Uehara et al (U.S. Pub. No. 2002/0056095).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7-11 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Uehara et al (U.S. Pub No. 2002/0056095, hereinafter, "Uehara").

With respect to claim 1, Uehara discloses, receiving a first program record representing a first program (page 4, section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (i.e., each video contents division, fig. 5A-B, page 5, sections [0067-0069]), retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field (i.e., each video contents division, 44, in fig. 4, video contents dividing part, fig. 5A-B, page 5, sections 0067-0069), converting each key field of the first program record into a feature value, see (45 in fig. 4, fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083], i.e., each contend division is converted to feature value, 11 to 12 in fig. 1); identifying a second program record of the plurality of program

records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to recommend the first program, see (sections [0092-0099], classification of program records provides recommendation of program records).

With respect to claim 2, Uehara discloses, receiving a first program record representing a first program (page 4, section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (i.e., each video contents division, fig. 5A-B, page 5, sections [0067-0069]), retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field (i.e., each video contents division, 44, in fig. 4, video contents dividing part, fig. 5A-B, page 5, sections 0067-0069), converting each key field of the first program record into a feature value, see (45 in fig. 4, fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083], i.e., each contend division is converted to feature value); identifying N number of program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5,

sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to recommend the first program, see (sections [0092-0099], classification of program records provides N number of recommendation of program records).

With respect to claim 3, Uehara discloses, receiving a first program record representing a first program (page 4, section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (i.e., each video contents division, fig. 5A-B, page 5, sections [0067-0069]), retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field (i.e., each video contents division, 44, in fig. 4, video contents dividing part, fig. 5A-B, page 5, sections 0067-0069), converting each key field of the first program record into a feature value, see (45 in fig. 4, fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083], i.e., each contend division is converted to feature value); identifying a cluster of program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification is a cluster of program records, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to

recommend the first program, see (page 7, sections [0092-0099], classification of program records provides N number of recommendation of program records).

With respect to claims 9-11, Uehara discloses, database storing a plurality of program records (page 4 section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein each program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060], 700, fig. 7, page 7, section [0091]); and module operable to determine a first, N number and cluster program records of the plurality of program records that qualifies as a nearest neighbor, using a distance measurement method (one of classification methods, fig. 8, page 7, sections [0092-0099]) of a second program record in response to a reception of the second program record by the computer system using the key fields of the program records, see (classification is a cluster of program records, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); the module to determine, based on the first program record, whether to recommend a program represented by the second program record.

With respect to claims 17-19, Uehara discloses, receiving a first program record representing a first program (page 4 section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060]. 700, fig. 7, page 7, section

[0091]); retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field, see (111-112, fig. 11, page 9, sections [0112-0113], program records are stored with key fields (keywords) and extracted to compare with the others); converting each key field of the first program record into a feature value, see (fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083]); identifying a program record, N number of records and a cluster of program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification includes a program record, N number of program records and a cluster of program records, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099])); and determining, based on the identified second program record, whether to recommend the first program, see (page 7, sections [0092-0099], classification of program records provides N number and a cluster of recommendation of program records).

With respect to claim 20, Uehara discloses, comparing a number of positive counts for the identified second program record to a number of negative counts for the identified second program record, see (page 5, sections [0061-0071]).

With respect to claim 21, Uehara discloses, generating a recommendation of the first program if the determination is to recommend, see (page 5, sections [0061-0071]).

With respect to claim 22, Uehara discloses, recommending the first program if the determination is to recommend, see (page 5, sections [0061-0071]).

(10) Response to Argument

Applicant argued:

The prior art, reference Uehara et al (U.S. Pub No. 2002/0056095), does not teach "recommending a first program based on key field, feature values, and distance measure".

However, examiner disagrees. Uehara discloses for video program content (a first program) classification for a viewer (recommending), (abstract, fig. 1).

Uehara discloses, "Reference numeral 11 denotes a video contents dividing part, which divides the obtained video contents (time-series data) into video contents segments on a program basis, a cut switch point basis, a predetermined time basis. Reference numeral 12 denotes a feature value extracting part, which extracts feature values representing the contents of each video contents segment obtained by the video contents dividing part 11", (page 4, sections [0047-0048]). Uehara discloses, video contents dividing part 44 in fig. 4, and fig. 5A-B for at least one key filed, and each key filed is converted to feature values (12 in fig. 1-2, 45 in fig. 4, and 113-114 in fig.

11). Uehara teaches that each feature is used for classification to recommend the program by using close distance method. Thus, Uehrara teaches, “recommending a first program based on key field, feature values, and distance measure”.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Conferees:

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